

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MATTHEW WIGGENHORN,
individually and on behalf
of all others similarly situated,**

Plaintiff,

v.

**EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES,**

Defendant.

No. 04-CV-0372-DRH

ORDER

HERNDON, District Judge:

The Court takes up this matter for purposes of docket control. On August 24, 2004, the Court stayed this case to await the Seventh Circuit's decision in ***Kircher v. Putnam, 403 F.3d 478 (7th Cir. 2005)***, because the jurisdictional issues in the ***Kircher*** appeal were relevant to the issues raised in Plaintiff's motion to remand (Doc. 17). Since the Seventh Circuit has issued its opinion in ***Kircher*** and that decision has not been appealed, the Court **LIFTS** the stay in this case. The Court **GRANTS LEAVE** to the Parties to file a supplemental brief not to exceed 10 pages to discuss ***Kircher***'s application to this case. Plaintiff has until Wednesday, June 1, 2005, to file a supplemental brief. Defendant's brief is due twenty days after

the date Plaintiff's supplement is filed.

IT IS SO ORDERED.

Signed this 19th day of May, 2005.

/s/ David RHerndon
United States District Judge